

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:19-cr-0297-JRS-TAB
)	
DEANDRE CHAVEZ LITTLE,)	- 01
)	
Defendant.)	

Magistrate Judge's Report and Recommendation

This matter is before the undersigned according to the Order entered by the Honorable James R. Sweeney II, directing the duty magistrate judge to conduct a hearing on the Petition for Warrant or Summons for Offender Under Supervision ("Petition") filed on October 21, 2020, and to submit proposed Findings of Facts and Recommendations for disposition under 18 U.S.C. §§ 3401(i) and 3583(e). Proceedings were held on December 15, 2020, in accordance with Rule 32.1 of the *Federal Rules of Criminal Procedure*.¹

On December 15, 2020, defendant Deandre Chavez Little appeared in person with his appointed counsel, Dominic Martin. The government appeared by Kelsey Massa, Assistant United States Attorney. The United States Probation Office ("USPO") appeared by Officer Angela Smith, who participated in the proceedings.

¹ All proceedings were recorded by suitable sound recording equipment unless otherwise noted. *See* 18 U.S.C. § 3401(e).

The court conducted the following procedures in accordance with *Federal Rule of Criminal Procedure* 32.1(a)(1) and 18 U.S.C. § 3583:

1. The court advised Mr. Little of his right to remain silent, his right to counsel, and his right to be advised of the charges against him. The court asked Mr. Little questions to ensure that he had the ability to understand the proceedings and his rights.

2. A copy of the Petition had been provided to Mr. Little and his counsel, who informed the court they had reviewed the Petition and that Mr. Little understood the violations alleged. Mr. Little waived further reading of the Petition. The court summarized the allegations.

3. The court advised Mr. Little of his right to a preliminary hearing and its purpose in regard to the alleged violations of his supervised release specified in the Petition. Mr. Little was advised of the rights he would have at a preliminary hearing. Mr. Little waived his right to a preliminary hearing.

4. The court advised Mr. Little of his right to a hearing on the Petition and of his rights in connection with a hearing. The court specifically advised him that at a hearing, he would have the right to present evidence, to cross-examine any witnesses presented by the United States, and to question witnesses against him unless the court determined that the interests of justice did not require a witness to appear.

5. Mr. Little, by counsel, stipulated that he committed Violation Numbers 2, and 3 set forth in the Petition as follows:

**Violation
Number**

Nature of Noncompliance

- 1 "You shall not commit another federal, state, or local crime."**

On October 18, 2020, Mr. Little was arrested by Indianapolis Police Department and charged with Domestic Battery (felony) and Domestic Battery (misdemeanor), in Marion County Superior Court Court 12, under cause number 49G12-2010-F6-032116. He is scheduled to appear in Court on October 20, 2020, for an initial hearing.

- 2 "You shall not use or possess any controlled substances prohibited by applicable state or federal law, unless authorized to do so by a valid prescription from a licensed medical practitioner."**

Mr. Little submitted positive urinalysis' for cannabinoids on September 2, October 6 and 15, 2020. He admitted having consumed a marijuana cookie prior to the test submitted on September 2, 2020, but denied any other consumption of marijuana since that time.

- 3 "You shall submit to substance abuse testing to determine if you have used a prohibited substance or to determine compliance with substance abuse treatment."**

Mr. Little failed to report for urinalysis testing on September 10 and 22, 2020.

6. The court placed Mr. Little under oath and directly inquired of Mr. Little whether he admitted violations 2, and 3 of his supervised release set forth above. The government moved to dismiss violation 1, and the court granted. Mr. Little admitted the violations as set forth above.

8. The parties and the USPO further stipulated that:

- (a) The highest grade of Violation is a Grade C violation (U.S.S.G. § 7B1.1(b)).
- (b) Mr. Little's criminal history category is III.
- (c) The range of imprisonment applicable upon revocation of Mr. Little's supervised release, therefore, is 5 - 11 months' imprisonment. (See U.S.S.G. § 7B1.4(a).)

9. The parties agreed that revocation is mandatory in this case. The court, having heard the admissions of the defendant, the stipulations of the parties, and the position of each party and the USPO, **NOW FINDS** that the defendant, DEANDRE CHAVEZ LITTLE, violated the above-specified conditions in the Petition and that his supervised release should be and therefore is **REVOKED**, and he is sentenced to the custody of the Attorney General or his designee for a period of eleven (11) months with no supervised release to follow. The court further recommends placement at the Federal Camp in Terre Haute, Indiana.

Counsel for the parties and Mr. Little stipulated in open court waiver of the following:

1. Notice of the filing of the Magistrate Judge's Report and Recommendation; and
2. Objection to the Report and Recommendation of the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §636(b)(1)(B) and (C); and, Federal Rules of Criminal Procedure 59(b)(2).

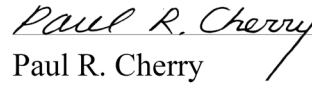
Counsel for the parties and Mr. Little entered the above stipulations and waivers after being notified by the undersigned Magistrate Judge that the District Court may refuse to accept the stipulations and waivers and conduct a revocation hearing pursuant to Title 18 U.S.C. §3561 *et seq.* and Rule 32.1 of the Federal Rules of Criminal Procedure and may reconsider the Magistrate Judge's Report and Recommendation, including making a *de novo* determination of any portion of the Report or specified proposed findings or recommendation upon which she may reconsider.

WHEREFORE, the magistrate judge **RECOMMENDS** the court adopt the above recommendation revoking Mr. Little's supervised release, imposing a sentence of imprisonment of eleven (11) months with no supervised release to follow. Further, the court recommend

placement at the Federal Camp in Terre Haute, Indiana.

IT IS SO RECOMMENDED.

Date: 12/15/2020


Paul R. Cherry
United States Magistrate Judge
Southern District of Indiana

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